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Lead Counsel for the Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD GREGORY, On Behalf of Himself)
and All Others Similarly Situated,)

Plaintiff,)

vs.)

CHIRON CORPORATION, HOWARD H.)
PIEN, JOHN A. LAMBERT and DAVID V.)
SMITH,)

Defendants.)

Case No. C-04-4293-VRW

CLASS ACTION

STIPULATION AND [PROPOSED] ORDER
TO CONTINUE CLASS CERTIFICATION
HEARING DATE

WHEREAS, on April 14, 2005, the Consolidated Amended Complaint was filed with the Court;

WHEREAS, defendants filed motions to dismiss the Consolidated Amended Complaint on May 26, 2005, Lead Plaintiff filed oppositions to defendants' motions to dismiss on June 8, 2005, and defendants filed replies to the motions to dismiss on June 15, 2005;

WHEREAS, on June 29, 2005, the Court held a hearing on the defendants' motions to dismiss and ordered supplemental briefing on the motion to dismiss;

WHEREAS, on July 29, 2005, Lead Plaintiff filed a supplemental brief in further support of its opposition to defendants' motions to dismiss;

WHEREAS, defendants' response to Lead Plaintiff's supplemental brief in connection with the motion to dismiss is due on August 12, 2005;

WHEREAS, the hearing on the motion to certify class is currently set for September 15, 2005, at 2:00 p.m.;

WHEREAS, pursuant to L.R. 7-2, based on the class certification motion hearing date set by the Court, plaintiffs' motion for class certification is due to be filed on August 11, 2005;

WHEREAS, the parties wish to continue the briefing and hearing on the class certification motion until after the Court rules on the pending motions to dismiss;

NOW, THEREFORE, the parties stipulate and agree, and the Court hereby orders, as follows:

1. Counsel for Lead Plaintiff and counsel for Defendants shall confer and agree on a briefing schedule and hearing date on the class certification motion, and shall submit a stipulation with proposed briefing and hearing dates for the Court's approval, within 14 days after the Court issues an order on the pending motions to dismiss; and

2. The class certification motion hearing date currently scheduled for September 15, 2005, at 2:00 p.m., shall be taken off calendar and rescheduled after the Court issues its order on the motions to dismiss.

///

1 IT IS SO STIPULATED.

2 DATED: August ⁹/₈, 2005

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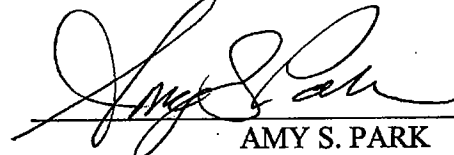
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20 DATED: August ⁹/₈, 2005

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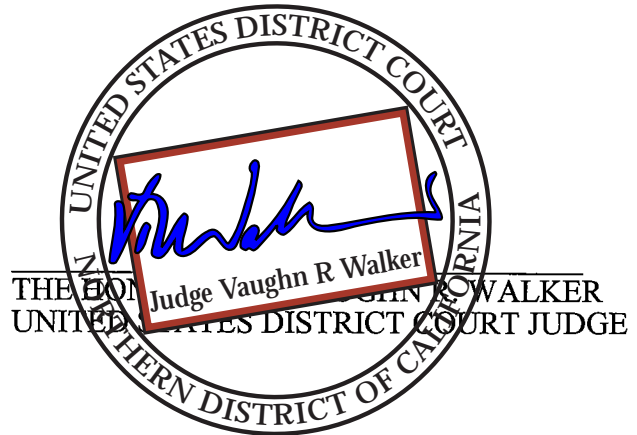
Attorneys for Defendants

ORDER

Having read and considered the parties' Stipulation and ~~Proposed~~ Order to Continue Class Certification Hearing Date,

IT IS SO ORDERED.

DATED: August __, 2005



DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a resident of the County of Los Angeles, over the age of 18 years, and not a party to or interest in the within action; that declarant's business address is 355 South Grand Avenue, Suite 4170, Los Angeles, California 90071.

2. That on August 9, 2005, declarant served STIPULATION AND [PROPOSED] ORDER TO CONTINUE CLASS CERTIFICATION HEARING DATE by depositing a true copy thereof in a United States mailbox at Los Angeles, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 9th day of August, 2005, at Los Angeles, California.



FAITH FARINA

CHIRON CORPORATION
AUGUST 9, 2005
SERVICE LIST

Attorneys for Plaintiffs

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